

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Crooks <i>et al.</i>	Confirmation No.:	2368
Appl No.:	10/675,937	Group Art Unit:	1731
Filed:	September 30, 2003	Examiner:	Mayes, Dionne Walls
For:	FILTERED CIGARETTE INCORPORATING AN ADSORBENT MATERIAL		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

This is in response to the Office Action dated January 10, 2007, in which the Examiner has required restriction between three species designated Group A, namely Claims 1-21, Group B, namely Claims 22-28, and Group C, namely Claims 29-37. Applicants hereby provisionally elect with traverse to prosecute the claims of Group A (Claims 1-21, wherein an adsorbent and an ion exchange material are in a compartment separated by a barrier) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims. Applicants believe claims 1-21 and claims 29-37 (see argument below) are responsive to this election.

Applicants traverse on the ground that a combined search and examination of all claims can be conducted without serious burden to the Examiner. As set forth in MPEP §803, under such circumstances, restriction is improper. In particular, it is noted that claims 1-22 were original claims in the application and Applicants have already received two office actions on the merits that address patentability of those claims and, presumably, all were fully searched and examined. Further, claims 29-37 have also received an action on the merits and, presumably, were also fully searched and examined. In light of the previous search and examination related to all claims of record, Applicants respectfully submit that the Examiner should be in a position to address patentability of all claims of record.

Additionally, Applicants note that Group C has a genus/species relationship with Group A and should be examined with Group A. Group C merely recites that the adsorbent material and the ion exchange resin are present in a compartment without requiring separation of the two components by a barrier. However, separation of the components by a barrier, as set forth in Group A claims, is encompassed by Group C. As a result, even if the restriction is maintained at least in part, Applicants respectfully request examination of Group A with Group C due to the genus/species relationship.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/christopher m. humphrey/

Christopher M. Humphrey  
Registration No. 43,683

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 9, 2007.